G. R. S. 58] 6685

Previous references.
05-47-03-7
-384-14-2.

1914. 15
(Courts)

File No. 332-14
erial Nos. 1—2

Later references.
05-28-17(2-3)

Preserve
April 1947

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B for Aug. 15

SUBJECT.

Trial of criminal cases by Asstt Com^r Magistrate at Taluk stations

2) To The Regr Chief Cts & others
J. 289-300 Dy 24-7-15

Direct- that as a general rule criminal cases be tried at the head qrs of the Magistrate & a quarterly statement of such cases be submitted through the Chief Cts

GPB—10,000—23-3-15

19.8.15

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G.R.S. 11. 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 332 of 1914

FILE HEADING.

Trial of Criminal Cases by Asst Sessions Magistrates at Taluk Stations.

From

The Registrar, Chief Court

No. 4252/290 Dated 15th Mar 1915 Received 20.3.1915

Diary No. J3033	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the opinions of the Judges of the Chief Court regarding the trial of Criminal cases by Asst Sessions Magistrates at Taluk Stations more largely than now whether the cases pertain to the talukas concerned or not, provided the stations chosen are convenient to parties and witnesses.

NOTES AND ORDERS.

S. L.R. 384-14-2.

The opinion of the Chief Court in this matter was called for in paragraph 6 of the G.O. of 24th Feb 1915 during the period of the itinerations of Asst Sessions Judges. The Chief Judge leaves it to Govt to issue such instructions as may be necessary in the matter, as Asst Sessions Judges are not only

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Encl to Sl 1

NOTES—First Sheet.

GPB—35,000—15-6-12

Serial No.

Magistrate but are also executive officers with various duties which may call them away from headquarters, for long periods at times, steps being, however, taken to avoid parties, witnesses and pleaders being dragged from camp to camp. He adds, with regard to the interests of witnesses, that one place may be as convenient as another. The other two Judges express themselves generally as not being in favour of Criminal cases being tried at places other than the headquarters, Mr Paramasiva Iyer, however, taking no objection to cases being tried at Taluk Stns. to which parties and witnesses in the case belong.

V
CS-47-03-04
(Hide Note page 3)

2) Chief Court circular 9th Aug 1892 laid down that cases ought not to be tried elsewhere than at the headqrs. Stations except with the consent of parties or their pleaders. At the instance of Govt, another circular was issued by the Chief Court in 1904 explaining that the circular of Aug 1892 did not preclude Magistrates from posting Criminal Cases for trial or hearing at the Kasba of the taluk to which the parties belonged or at some station central to all of them and that it

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CS-47-03-04-7

NOTE—Contn. sheet.

GPB—65,000—17-6-12

3033

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C. R. S. 12]

General and Revenue Secretariat.

CS File No. 332 of 1914-15

Serial No.

provides for such exceptions being made on all reasonable occasions.

3) In Bombay, Magistrates seem to try criminal cases when on tour.

Sub?.

Kg.
29.4.15.

4) The criminal circular letter of 5.5.1904 and Cir. No of 25.2.1904, seem to have to be wide enough to allow a case being tried at stations other than Head Quarters. The only restrictions that are contemplated are that such parties and witnesses should not be asked to go with the Magistrate from place to place and thus put to inconvenience, and that the convenience the parties and witness, should be taken an important criterion. Generally there may not be much difficulty in trying criminal cases at the Head Quarters, but in special cases, they may be tried in Taluq stations or even other places. The existing circular clearly provides for such cases. No therefore a point for order as to whether the existing orders require any, and if so, what modification.

Ks
29.4.

First Member

Para 19 of the Bombay High Ct. Circular orders putting-
Detached
3/5/15

Note—Contn. sheet.

Serial No.

5) In supersession of the two Circulars, a new one may be issued.

6) The general rule should be that Crl. Cases should be tried at the head quarters of the Magistrate. When other urgent or Continuous work ~~requires the~~ prevents the Magte. requires the Magistrate's absence for more than a week from Hdrs. Hrs, he may post Cases to another place in his jurisdiction, which is equally convenient to the Parties & witnesses concerned. Due notice of time & place shd be given. If the Parties apply on reasonable grounds for hearing the Case at Hdrs, the Magte should comply. Whenever Cases are tried out of Hdrs, the reasons shd be stated on the record. A quarterly Statt

NOTE.—Contn. sheet.

3033

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. R. S. 12]

General and Revenue Secretariat. | C5 File No. 332 of 1914-15

Serial No.

of such hearing shd be sent up.

7) Please draft an order to this effect —

30/4/15 Hm

Gen 115

Es 1/5

8) A draft order is sub?

9) The opinion called for is in regard to trial of Criminal cases by Asst Com" Magts. The circulars issued by the Chief Court seem to regulate the trial of such cases by the District & the Huildar Majishabi as well. It is a matter for orders if the circulars should be completely superseded and the order now proposed made applicable to these Majishabi also. The Chief Judge is agreeable to this.

L.R. 384-14-2

y t v

Asst Magistrate T &

10) It is also a matter for orders if places other than headquarters should not necessarily be taluk stations as contemplated in para 6 of the G.O. of 24th Feb 1915 in cases tried by Asst Com" Magts.

Es

4 Es

Hy. 3/5/15 11) Draft submitted for approval

Es 4/5/15

Vice-Member)

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

C. R. S. 12]

General and Revenue Secretariat.

C/o File No. 332 of 1914

6

Serial No.	
	(12) The draft is approved. It should be submitted to the Dewan also for approval — 5/5/15 Dewan 6/5
	(13) Submitted for favour of approval 6/5
7171 7.5.15	Dewan) (14) May issue — 20/7/15 Dewan 20/7
6/8	
2	To The Registrar, chief court The D MS of Dts. The D. Cr of Police in Mysore. The Rev Com in Mysore The Comptroller to Govt. No J 289-300-9 24-7-15.
	Directs that, as a general rule, criminal cases be tried at the Hd Qrs of the Magistrates, and that, when cases are tried at other places, a quarterly statement of such cases be submitted through the chief etc.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

No: 4252/290 III/Mr/15

CHIEF COURT OF MYSORE.

Bangalore, dated 15th March 1915.

DIARY No. J.3033

1914-1915
SECTION C5
FILE No. 332-14
SERIAL No. 1

From

H. T. GOPALIENGAR, Esquire, B.A., LL.B.,
Registrar of the Chief Court of Mysore.

To

D. M. NARASINGA RAO, Esquire, B.A., B.L.,
Offg: Secretary to the Government of Mysore,
General and Revenue Department.

S i r,

Adverting to para 6 of Government Proceedings No. R. 7406-16/L.R. 384-14-2 dated 24th February 1915 fixing a minimum of six months' itineration in the year for Assistant Commissioners in charge of Taluks, I am directed to forward herewith the opinions of the Judges of this Court regarding the trial of Criminal cases by Assistant Commissioner Magistrates at Taluk stations more largely than now whether the cases pertain to the taluks concerned or not provided the stations chosen are convenient to parties and witnesses.

I have the honour to be,
Sir,
Your most obedient servant,

H. Gopalaiengar

REGISTRAR.

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Encl 4
332-14-2

OPINION OF THE CHIEF COURT

THE CHIEF JUDGE

It seems to me somewhat undesirable that we should prescribe any rules for officers who are not Magistrates alone but also executive officers. I should be willing to withdraw the circular altogether if the Government would issue one embodying their views. They know better than we do how far it is possible for their officers to try cases at headquarters as a rule, and they are just as much interested as we are to see that justice is administered in the criminal courts without delay, or avoidable inconveniences to witnesses and others. We could help them with our opinions or with any information they want. The question must always in the end be one of convenience. The various duties of the Magistrates call them away from headquarters for long periods, I suppose, at times; and accused persons ought not to be kept awaiting trial longer than is unavoidably necessary; at the same time accused persons have probably greater facilities for securing a satisfactory defender at the headquarters station of the ~~one~~ Sub divisions. For witnesses one place may be as convenient as another. What has mainly to be avoided is the dragging of accused persons,

witnesses

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witnesses, prosecuting officers and defending pleaders from one camp to another, and whereever the case is posted for hearing there it should be heard: unforeseen exigencies of service in exceptional cases will doubtless make this impossible, but as a rule a Magistrate could arrange to take up his cases where they are posted, even if he had to stay a day longer than the programme date.

I would leave it to the Government to issue such instructions as may be necessary to secure the desired result, the maximum rapidity of disposal, with the minimum of inconvenience to all concerned in the trial. 3-3-15.

MR. JUSTICE K.S.CHANDRASEKHARA AIYAR

I am not in favour of cases being tried at places other than the head quarters of Magistrates. The interests of parties and the convenience of witnesses have to be considered at least as much as the expected efficiency of executive work in fixing the period of minimum itineration as long as the same officers have to perform both magisterial and executive functions. To allow any compromise in the matter is simply to offer a temptation to hasty or dilatory or bad magisterial work in the officer's natural anxiety to keep up to the standard of itineration laid down for him. 6-3-15.

Mr.

MR. JUSTICE T. PARAMASIVA IYER

I generally agree with Mr. Justice Chandrasekhara Iyer. I have no objection however to cases being tried at Taluk Head Quarters provided the parties and witnesses belong to the Taluk and the case is disposed of in the same camp without dragging parties to and from the Officer's Head Quarters. Almost all the Revenue divisions are comparatively small and compact areas, the Revenue work is not of a taxing or emergent character and the Revenue Officer can easily adjust his touring for Revenue Inspections to the convenience of parties and witnesses in criminal cases. Except at Jamabandy season the chief work of the Revenue Officer is the inspection of villages, tanks, bandhs etc., in three taluks on an average and these inspections can be arranged without clashing with the prompt and proper disposal of criminal work.

8-3-15.

15/3/15

Registrar

ab

2317 Trial of cases by Majistrates in places where Mantharpet Ors

G.R.S. 28]

Cl: File No. 332-14
Serial No. 2

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 191 .

READ—

~~Paragraph 6 of~~ Govt Proceedings No R 7406-16/ G.R. 384-14-2, dated the 24th Feb 1915, reducing the period of itineration of Asst Comrs and calling for the opinion of the Chief Court regarding the trial of Criminal Cases by Asst Comrs Magistrates at Taluk Stations more largely than now.

2) Letter No 425-2/290 dated the 15th March 1915 from the Registrar, H.C. over

Date of issue 24/7/1915.

Signed by Mr C. Srinivasa Iyengar

ORDER THEREON. No.

Paper under disposal

SUBJECT.

2317

GPB—50,000—1-12-12

as called for
Chief Const., furnishing the opinion
of the Judges of the Chief Const. in
the matter.

Order thereon - 20. J 289 - 300.

Gat consider that, as a general
rule, Criminal cases should
be tried at the headquarters of
the ~~Assistant~~ Magistrates. When
other urgent or continuous work
requires the Magistrate's absence
for more than a week from his
headquarters, he may post cases
to any other place in his juris-
diction which is equally convenient
to the parties and the witnesses,
due notice of time and place being
given to them in all cases. If
the parties apply on reasonable
grounds for the case being heard
at ~~the~~ headquarters, the Magistrates
should always, comply.

When cases are tried
out of headquarters, the reasons
for deviation from the general rule

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- G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

should invariably be recorded. A Quarterly statement of such trials by the ~~General Asst~~ Com^r. Magistrate should be prepared for each District and submitted to Govt through The Chief Court by the District Magistrate concerned ~~within~~ before the close of the month following the quarter to which the statement relates.

The Chief Court is requested to issue a circular letter ~~withdrawing~~ cancelling its Circular Letters Nos 111 and 155 dated the 17th August 1892 and 26th March 1904 respectively on this subject.

Submit

5/5/15

4/15/15

~~Profs~~: See Govt

TO The Registrar, Chief Court
The Dist. Magistrates of Dists
The S.P. of Police in Mysore
The Rev Com^r in Mysore
The Comptroller in Mysore

Reg.
3/5/15

GPB—12,000—15-2-13.

Trial of Criminal Cases by Magistrates in places other than their Headquarters.

No. J. 289-300—Cts. 332-14-2, dated 24th July 1915.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL DEPARTMENT.

Read—

Government Proceedings No. R. 7406-16—L. R. 384-14-2, dated the 24th February 1915, reducing the period of itineration of Assistant Commissioners, and calling for the opinion of the Chief Court regarding the trial of criminal cases by Assistant Commissioner Magistrates at Taluk Stations more largely than now.

2. Letter No. 4252—290, dated the 15th March 1915, from the Registrar, Chief Court, furnishing as called for the opinion of the Judges of the Chief Court in the matter.

Order No. J. 289-300—Cts. 332-14-2, dated 24th July 1915.

Government consider that, as a general rule, Criminal cases should be tried at the headquarters of the Magistrates. When other urgent or continuous work requires the Magistrate's absence for more than a week from his headquarters, he may post cases to any other place in his jurisdiction which is equally convenient to the parties and the witnesses, due notice of time and place being given to them in all cases. If the parties apply on reasonable grounds for the case being heard at headquarters, the Magistrates should always comply.

2. When cases are tried out of headquarters, the reasons for deviating from the general rule should invariably be recorded. A quarterly statement of such trials by the Magistrates should be prepared for each district and submitted to Government through the Chief Court by the District Magistrate concerned before the close of the month following the quarter to which the statement relates.

3. The Chief Court is requested to issue a circular letter on these lines in supersession of its circular letters Nos. 111 and 155, dated the 17th August 1892 and the 26th March 1904, respectively, on this subject.

D. M. NARASINGA RAO,
Offg. Secy. to Govt., Gen. Dept.

To—The Registrar, Chief Court.
The District Magistrates of Districts.
The Inspector-General of Police in Mysore.
The Revenue Commissioner in Mysore.
The Comptroller, Mysore Government.

Exd.—C. R.

Government of His Highness the Maharaja of Mysore.

GENERAL DEPARTMENT.

G. O. No. J. 289-300—Cts. 332-14-2, dated 24th July 1915

Trial of Criminal Cases by Magistrates in places other than their Head-quarters.

Issuing instructions regarding the —

W D 202—GPB—30-7-15—350